

1 recollection.

2 BY MR. HONIG:

3 Q In -- according to page 14 of tab 6 of the witness's  
4 testimony, an FM announcer part-time was hired named Robert  
5 Armbruster. It was August 18, 1989. Then in October 10,  
6 1989, Marty Reed was hired as an AM announcer part-time from  
7 the seminary. Now does that refresh your memory on whether  
8 during the summer these forms in or tab 13 were used? During  
9 the summer of 1989?

10 A Does it refresh my memory whether they were used?

11 Q Yes.

12 A No, they were not used.

13 Q Okay. During the summer of 1989, did you and  
14 Reverend Devantier have a conversation discussing how EEO  
15 responsibility would be apportioned between the two of you?

16 A I don't recall any such conversation, no.

17 (Pause.)

18 Q I want to ask you how the stations were situated,  
19 the AM and FM. They're in the same building, are they not?

20 A Yes, they are.

21 Q And what facilities do they share in common with  
22 each other? We're speaking -- when I mean facilities I mean  
23 for example production facilities, studio facilities, the  
24 advertising department. Well, that would not, that wouldn't  
25 apply. Management offices, the receptionist's station and so

1 on.

2 A That's a fair generalization. Engineering  
3 department, business department.

4 Q Those were physically co-situated, is that right?  
5 All the ones I've just mentioned?

6 A Well --

7 Q And that you just mentioned?

8 A Well, the engineering department is or was.  
9 Business department was. Receptionist was. And some  
10 management.

11 Q Okay. Because there for example are positions for  
12 receptionist AM in some of these duty descriptions. But  
13 that's really receptionist for both AM and FM, is that right?

14 A Yes.

15 Q And is that also true for engineers? There's  
16 engineer AM, engineer FM. But actually they served, they  
17 worked for both stations?

18 A Correct.

19 Q Why did these -- the -- why were there different  
20 descriptions for AM and FM engineer if they actually worked  
21 for both stations?

22 A Primarily because of the way the station kept its  
23 books. And the engineer was considered an employee of KFUD-  
24 AM.

25 Q And that was also the case for the, for example,

1 receptionist?

2 A That would be correct.

3 Q Was that true for any other categories of employees?

4 For example, announcers. Was anyone both an AM and FM  
5 announcer?

6 JUDGE STEINBERG: On a regular basis.

7 MR. HONIG: Yes.

8 WITNESS: Not, not on a regular basis, no.

9 BY MR. HONIG:

10 Q What about --

11 A Would be true for the business manager.

12 Q Pardon me?

13 A The business manager.

14 Q The business manager was for both. What about news  
15 and public affairs persons? For both?

16 A No.

17 Q That was just AM. Or there would have been an AM  
18 news and public affairs person and an FM news and public  
19 affairs person.

20 A If there were such people. I don't think there  
21 really were.

22 Q Now why, why were the persons such as the engineers  
23 and the receptionist attributed to the AM rather than the FM?

24 A From a job description perspective?

25 Q Well, no. Because if I'm understanding this, the

1 job descriptions, there were job descriptions for, for both,  
2 AM engineer, FM engineer.

3 A No, no. That's not correct.

4 Q Is that incorrect?

5 A Yes.

6 Q What -- well, for receptionists for example, the job  
7 descriptions will speak for themselves. But it's correct that  
8 there were, there was AM receptionist, FM receptionist --

9 A No, that's not correct. One receptionist for both  
10 stations.

11 Q There was one receptionist. But there were job  
12 descriptions for AM and FM, although actually that's the same  
13 job. It's the same person.

14 A There were two separate job descriptions?

15 Q Yes.

16 A Is that what you're saying?

17 Q Yeah.

18 JUDGE STEINBERG: Okay. Let the record reflect that  
19 the statement by Mr. Stortz there were two separate job  
20 descriptions was not a statement. It was a question. He had  
21 a --

22 MR. HONIG: Oh.

23 JUDGE STEINBERG: Am I right?

24 WITNESS: That's right.

25 JUDGE STEINBERG: So it wasn't -- he was, he was

1 questioning you. There were two separate job descriptions?

2 MR. HONIG: Okay. And the answer --

3 JUDGE STEINBERG: And because that, you know, I  
4 don't want the record to -- I want the record to reflect a  
5 question mark.

6 MR. HONIG: And the answer is if we go off the  
7 record for a second I'll, I will find them --

8 JUDGE STEINBERG: Well, why don't you find them  
9 while, while we're on the record and find them quickly.

10 MR. HONIG: Oh, boy.

11 JUDGE STEINBERG: It's --

12 MR. HONIG: I did --

13 JUDGE STEINBERG: -- one of the ones we -- it's 34  
14 through 37 --

15 MR. HONIG: I know.

16 JUDGE STEINBERG: -- or 39 through 41 I think.

17 MR. HONIG: Let me, let me do it as fast as I can.

18 (Pause.)

19 MR. HONIG: Well, for, for example --

20 JUDGE STEINBERG: Thirty-nine. Look at 39. You got  
21 that?

22 MR. HONIG: I'm looking at --

23 JUDGE STEINBERG: That's secretary. Pardon me.  
24 That's not receptionist.

25 MS. LADEN: Your Honor, on page 7, that's 39 I

1 believe. And page for -- year page 9 of 39.

2 JUDGE STEINBERG: Thank you, Ms. Laden.

3 MR. HONIG: Yeah. There's page --

4 JUDGE STEINBERG: Let me just note that those job  
5 descriptions, position title receptionist, position title  
6 chief engineer, there's no reference to the individual  
7 station. You go down to the second paragraph and refers to  
8 both stations.

9 MR. HONIG: Well, for example, page -- trying to  
10 figure out which exhibit this is, page 40. I mean I'm sorry,  
11 Exhibit 40, page 14, chief engineer, KFUE-FM. In that exhibit  
12 41 I think this -- yeah, 41, page 10, secretary/receptionist.  
13 But that speaks to only KFUE-AM when you go down into it.

14 MS. SCHMELTZER: I don't think the witness has  
15 anything in front of him.

16 JUDGE STEINBERG: He doesn't.

17 MS. SCHMELTZER: -- have something in front of him?

18 MR. HONIG: All right, well --

19 JUDGE STEINBERG: Go -- you know, can I ask where  
20 this is leading? Because --

21 MR. HONIG: In -- if I can ask the witness to leave.  
22 Because I certainly don't want to explain my theory with the  
23 witness here.

24 JUDGE STEINBERG: Well, just let's keep going then.  
25 Put the, put the documents in front of him if you're going to

1 ask questions about them.

2 MR. HONIG: Sure.

3 JUDGE STEINBERG: Or somebody. I don't care who  
4 puts it in front of him.

5 MR. HONIG: Well, may be a little awkward to do.

6 MS. SCHMELTZER: I'll, I'll be happy to put them in  
7 front of him.

8 MR. HONIG: Oh, okay. Thank you.

9 (Pause.)

10 MR. HONIG: Start with 40, page 14.

11 (Pause.)

12 MS. SCHMELTZER: Okay. I've placed 40, page 14 in  
13 front of the witness.

14 MR. HONIG: There you will see a -- thank you -- a  
15 duty description, chief engineer, KFUE-FM. Now is it your  
16 testimony that that's the same position as for the AM station?  
17 The notice in paragraph 2 at the bottom it says, "Provide  
18 similar services for KFUE-AM as requested."

19 WITNESS: These job descriptions which were written  
20 in 1987 were a result of reorganization of the stations. And  
21 apparently it was felt at the time that there was needed to be  
22 an AM position title and an FM position title. But the answer  
23 to your question is the same person held the job of chief  
24 engineer for KFUE-FM and for KFUE-AM.

25 MR. HONIG: All right. Now in Exhibit 41, page 9,

1 | you'll see that this is for a secretary --

2 | JUDGE STEINBERG: I --

3 | MS. SCHMELTZER: Page 9?

4 | JUDGE STEINBERG: -- page 9 says chief engineer.

5 | MR. HONIG: Which is crossed out, and it looks like  
6 | it's because it's a mistake. You look underneath it it's  
7 | clearly for a secretary.

8 | MS. SCHMELTZER: This copy does not say that.

9 | JUDGE STEINBERG: Neither does mine.

10 | WITNESS: No.

11 | BY MR. HONIG:

12 | Q Try another one then. In the same exhibit, page 16,  
13 | secretary/receptionist. Now that person is -- is that person  
14 | in fact the, the secretary/receptionist for the AM and FM  
15 | stations?

16 | A If this person worked as receptionist, yes, she  
17 | would have been receptionist for both stations.

18 | Q Okay. Now why does she report to the AM general  
19 | manager and apparently then is associated with the AM station  
20 | organization rather than the FM station?

21 | A Because she would provide secretarial services for  
22 | the AM station.

23 | Q But why specifically the -- but she provided that  
24 | for the FM station too, isn't that right?

25 | A She provided receptionist, in this case would have



1 provided receptionist duties for the FM station.

2 MR. ZAUNER: I'm sorry. I couldn't hear the last --

3 JUDGE STEINBERG: She was a secretary/receptionist  
4 for the AM. And she was a receptionist for the FM. Is that  
5 correct, Mr. Stortz?

6 WITNESS: It would appear that would be correct,  
7 yes. The -- you need to know that various people worked as  
8 the receptionist on and off.

9 MR. HONIG: Now --

10 WITNESS: Certain secretaries would act as  
11 receptionist at given times.

12 MR. HONIG: Let's suppose that you had a person --  
13 let me tell you where this is going. Let's suppose you have a  
14 person who performs services for both stations. But as to his  
15 or her functions insofar as they relate to the AM station,  
16 KFUE takes the position that Lutheran training is necessary.  
17 In such instance, would that person be assigned internally to  
18 the AM budget?

19 MS. SCHMELTZER: Objection. It's purely  
20 hypothetical, and it's very confusing to boot.

21 JUDGE STEINBERG: I didn't quite follow it number  
22 one. And number two, I don't want speculation. If you want  
23 to ask did this ever happen and then explore that, that's  
24 fine.

25 MR. HONIG: All right. Okay. My intention is did

1 it ever happen then --

2 JUDGE STEINBERG: I, I --

3 MR. HONIG: I'll do it that way.

4 JUDGE STEINBERG: Okay.

5 MR. HONIG: Okay. Did it ever occur that a  
6 person --

7 JUDGE STEINBERG: During the license term.

8 MR. HONIG: -- during the license term who provided  
9 services to both stations in the course of the, the, for that  
10 person's services to the AM station, the Church felt that  
11 Lutheran background was necessary or useful?

12 WITNESS: Try again, please.

13 BY MR. HONIG:

14 Q You with me?

15 A No.

16 Q A person such as engineer, receptionist, secretary,  
17 in fact serves both stations in practical matter.

18 A Correct.

19 Q Okay? For those responsibilities the person has for  
20 the AM station, the Church felt that Lutheran background,  
21 training and so on was necessary or helpful? With me?

22 A Yes.

23 Q In such instance, would that person have been  
24 assigned as an AM employee either in the budget or in these  
25 duty descriptions?

1 MS. SCHMELTZER: I'm still confused --  
2 JUDGE STEINBERG: Do you understand the question?  
3 WITNESS: Well --  
4 MR. HONIG: Rather than an FM employee.  
5 JUDGE STEINBERG: In other words --  
6 MR. HONIG: Do you understand?  
7 JUDGE STEINBERG: No.  
8 MR. HONIG: Must be getting late. I --  
9 JUDGE STEINBERG: No.  
10 MR. HONIG: I'm sorry. These things --  
11 JUDGE STEINBERG: No, I'm, I'm perfectly capable of  
12 understanding things at 4:20 p.m. Now if this is 9:20 p.m. or  
13 10:20 p.m., maybe my answer would be different especially if  
14 there's a baseball game on television. But, but the basic  
15 question is you had a, you had a person hired for the AM  
16 station who is a secretary/receptionist. And the Church  
17 believed that Lutheran knowledge for lack of a better term or  
18 whatever would be helpful. That's right?  
19 WITNESS: Yes.  
20 JUDGE STEINBERG: And so this individual is put on  
21 the AM payroll.  
22 UNIDENTIFIED SPEAKER: This is insidious.  
23 WITNESS: Okay.  
24 JUDGE STEINBERG: Even though the person did do  
25 receptionist duties for the FM station. Is that correct?

1 WITNESS: Simultaneously.

2 JUDGE STEINBERG: Simultaneously. Is that correct?

3 But the FM station --

4 MS. SCHMELTZER: Was that a --

5 JUDGE STEINBERG: Yeah, was that a yes?

6 WITNESS: Yes.

7 JUDGE STEINBERG: Okay. But the FM station did, did  
8 not consider it essential or preferential or desirable for  
9 Lutheran training. You follow -- that's what you getting at.

10 MR. HONIG: That's, that's exactly right.

11 JUDGE STEINBERG: In other words, what you're  
12 saying -- I mean what you're trying to do is ask did they hide  
13 anybody on the AM payroll -- hire somebody because of  
14 Lutheran, Lutheran training on the AM payroll when they're --  
15 I don't -- isn't that what you're getting at?

16 MR. HONIG: You've got it just right.

17 JUDGE STEINBERG: I've got it just right but I can't  
18 express it.

19 MR. HONIG: You're, you're doing better than I did.

20 JUDGE STEINBERG: But you -- I know where you're  
21 going. I don't think it's going to bear fruit. But basically  
22 did you hire people and list them under AM -- hire people with  
23 Lutheran background, training, whatever, and list them under  
24 AM for purposes of not having to hire somebody for the FM  
25 without Lutheran training, how about that?

1 MR. HONIG: No, that's sort of the second question.  
2 But I'll accept it.

3 JUDGE STEINBERG: Okay. So you, so you were -- I'll  
4 withdraw that and you can --

5 MR. HONIG: No, no. That's --

6 JUDGE STEINBERG: I think --

7 MR. HONIG: Do you understand where we're, where --

8 WITNESS: I, I got --

9 JUDGE STEINBERG: Okay. You got my question?

10 WITNESS: Your question.

11 JUDGE STEINBERG: Can you answer it?

12 WITNESS: I think I can, yes. I'll answer it in two  
13 parts if I may.

14 JUDGE STEINBERG: Okay. Take -- you can use three  
15 parts, four parts. I don't care.

16 WITNESS: At least from '87 on the station had a  
17 policy of if you did duties for both stations in these ways  
18 your pay was in the budget proportioned out. So I don't know  
19 if that's helpful or not.

20 Did we ever hide anybody to not use certain, to  
21 conceal position descriptions or --

22 MR. HONIG: Not hide.

23 WITNESS: -- or not -- well, that's the way I  
24 understood it.

25 JUDGE STEINBERG: No, let -- if that's the way he

1 understood it, let him answer it the way he understood.

2 WITNESS: No. I mean we never -- we didn't play  
3 games like that, no. We didn't play games trying to, to not  
4 hire somebody because of a requirement or a position  
5 requirement and then stick them on the other station, no.

6 MR. HONIG: No, that wasn't the, quite where I was  
7 going. He's close. Wasn't quite. There -- were there people  
8 who were hired and had AM type Lutheran training job  
9 requirements but in fact worked for both stations?

10 JUDGE STEINBERG: Well, they did in fact work for  
11 both stations, right?

12 MR. HONIG: Well, I think.

13 MS. SCHMELTZER: If I may just introduce --

14 JUDGE STEINBERG: Maybe you can --

15 MS. SCHMELTZER: -- small objection. The classical  
16 station also had religious classical programming. There  
17 wasn't overlap. That's in the record.

18 MR. HONIG: That's, that's a good point. Let me  
19 rephrase it please.

20 JUDGE STEINBERG: I, I think I -- here. Why don't  
21 you -- I'll give you one last shot at it, and I think you  
22 ought to move on to a different area. Because this is, you  
23 know --

24 MR. HONIG: Let me -- I thought this was going to be  
25 easier than it is. A person -- let's suppose there's a job

1 such as secretary or receptionist or engineer, whatever, for  
2 which in, in performing AM duties Lutheran background or  
3 whatever is required. Performing the FM duties it's not  
4 required. Was there a person, were there people who were  
5 hired to perform the joint AM/FM functions but, but were  
6 attributed to the AM and had those qualifications?

7 MS. SCHMELTZER: I'm confused again.

8 JUDGE STEINBERG: Is the witness confused?

9 WITNESS: I think I follow --

10 MR. HONIG: Okay.

11 WITNESS: -- the train here. It's a difficult  
12 question to, to answer. The receptionist position may be that  
13 way. It would probably be the only one I could think of where  
14 it would be helpful to have some Lutheran background. But you  
15 would answer the phones for both stations.

16 MR. HONIG: Okay. Well, I got the answer I wanted.  
17 Now Your Honor, let me tell you where I am in the examination.  
18 I don't know if this is a good time to break. I had organized  
19 it so --

20 JUDGE STEINBERG: We'll, we'll break when you're  
21 finished with cross-examination.

22 MR. HONIG: Well --

23 JUDGE STEINBERG: I don't want your cross-  
24 examination to hang over until tomorrow morning.

25 UNIDENTIFIED SPEAKER: Oh, my God.

1 JUDGE STEINBERG: I want it finished tonight. I'd  
2 prefer it to be finished before 6 o'clock. And I -- at  
3 6 o'clock I may say your cross-examination is over. I may --  
4 I think that's -- we've had this witness here since well,  
5 10:10 was when you came back with the stipulation and we  
6 fought about that. So this witness has been here since about  
7 10:30 this morning. And I think that an adequate amount of  
8 time is being permitted for your cross. So I, I want to  
9 finish it tonight. And, and I want to finish it at 6 o'clock  
10 or before 6 o'clock. The latest I'll go is 6:30. Because  
11 otherwise, I can't get home because of the bus schedules.

12 MR. HONIG: I, I understand, Your Honor. And I'm --  
13 you know, my -- I usually am concerned about the witness's  
14 health. But I have to be concerned about my own at some  
15 point. It's been -- I think I've tried to stay fairly  
16 coherent. But I just don't know whether I can remain  
17 sufficiently coherent much longer. You know, I had another  
18 case before you where I tried and shouldn't have to, to carry  
19 on where, where my health didn't allow it and --

20 JUDGE STEINBERG: Well, try your best.

21 MR. HONIG: I'll try my best, but you know when I'm  
22 being incoherent. And tell me when that is and, and I'll  
23 stop. But --

24 JUDGE STEINBERG: Well, I'm just, you know, I have  
25 as you know and I've expressed this privately and personally



1 have much sympathy for your health. And I've been concerned  
2 about it. Because I think you're burning it -- I mean a  
3 candle has only got two ends, and you said you're burning six  
4 ends of a candle. But I don't have any control over that. I  
5 have control over what goes on here. And I have to run the  
6 case and develop the record in a manner that's expeditious and  
7 fair to everybody.

8           And I think it's fair to, to the Church and Mr.  
9 Stortz to finish with your cross-examination this evening.  
10 And I, and I think that you've had an adequate -- I've got to  
11 be candid with you. I think you've had an adequate  
12 opportunity -- I think giving you until 6 o'clock, 6:30 to  
13 finish will have given you more than an adequate opportunity  
14 to develop whatever information that you need to develop from,  
15 from Mr. Stortz.

16           Now I think this might be an appropriate time to  
17 take about a 10-minute break. And maybe you can gather your  
18 thoughts and, and narrow your areas of questioning into the  
19 stuff you really need to know. You know, just a -- I'm just  
20 going to stop there. So let's take, let's take a break, and  
21 we'll resume at 20 minutes to 5.

22           (Whereupon, a short recess was taken.)

23           BY MR. HONIG:

24           Q     Mr. Stortz, there was a bulletin board that was  
25 common to both stations, wasn't there?

1 A Yes.

2 Q That was the station bulletin board.

3 A Correct.

4 Q And when there were job notices or descriptions or  
5 duty descriptions or those types of documents, that is the  
6 bulletin board that they would have been posted on. Isn't  
7 that right?

8 MS. SCHMELTZER: Objection. I think you have to be  
9 more specific about that. Because we're talking about a lot  
10 of different types of job --

11 JUDGE STEINBERG: Sustained.

12 BY MR. HONIG:

13 Q When a job notice was posted on a bulletin board  
14 that's -- was that the only bulletin board in the station?

15 A No, there are other bulletin boards within the  
16 station.

17 Q The one on which job notices would be posted, where  
18 was that?

19 A That was on the second floor near the manager's  
20 office.

21 Q Manager of the AM, FM or both?

22 A Well, at any given time, there were either one or  
23 two managers at the radio station depending on who was in what  
24 office. Let me, let me -- never mind. It would have been  
25 across from the business manager's office.

1 Q Okay. And --

2 A It's right by the drinking fountain.

3 Q -- in an area accessible to anyone that would come  
4 into either station?

5 A Yeah.

6 Q Okay. Now turn to tab 4 if you could of your  
7 statement. There you will see various -- think it's tab 4.  
8 No, the wrong tab. I'm sorry. The one with the, with the  
9 financial statements.

10 JUDGE STEINBERG: That's attachment 5.

11 MR. HONIG: Attachment 5. I'm sorry.

12 WITNESS: All right.

13 BY MR. HONIG:

14 Q Were those statements audited?

15 A Well, usually it was the practice of the, of the  
16 Synodical accounting department to audit the stations. If you  
17 go to page 10 of that, there's a audit statement which appears  
18 at least that the -- as of June 30th, 1987, 1986 that they  
19 were audited.

20 Q This was an internal audit, is that right?

21 A Yeah, that is correct.

22 Q Okay. And whose signature appears there?

23 A I'm, I'm not for sure what the person's name is. I  
24 can't read the writing.

25 Q It's not someone you supervised.

1 A No.

2 Q Okay. And did you prepare any of the contents of  
3 tab 5 yourself?

4 A Any of the financial statements?

5 Q Any of the materials in tab 5.

6 MS. SCHMELTZER: I'm going to object, Your Honor.  
7 It's really irrelevant. These are business records that were  
8 prepared in the ordinary course of business.

9 MR. HONIG: I don't know that, and they're offered  
10 as part of the witness's testimony.

11 MS. SCHMELTZER: Well, we're saying --

12 MR. HONIG: I'm trying to determine --

13 JUDGE STEINBERG: Overruled.

14 WITNESS: Could you repeat the question please?

15 JUDGE STEINBERG: Did you prepare any --

16 WITNESS: Did I prepare any of --

17 JUDGE STEINBERG: -- any of the stuff in tab 5?

18 WITNESS: No.

19 MR. HONIG: Do you have any personal knowledge of  
20 any of the facts of any of the statements anywhere in tab 5?

21 WITNESS: Personal knowledge meaning --

22 MR. HONIG: You, you know it yourself. You were the  
23 source of the information or you, someone else gave it to you  
24 and you verified it yourself.

25 WITNESS: Well, the accounting department does

1 the -- the accounting department of the Lutheran Church,  
2 Missouri Synod does the financial statements and then sends  
3 them back to the radio station. The radio station supplies  
4 the financial information to the accounting department. So as  
5 far as the material that's supplied to the accounting  
6 department, I can verify at least the portions that I've  
7 submitted were accurate.

8 MR. HONIG: I'm going to ask you about a number of  
9 my NAACP's exhibits at this time. And if I could -- there's a  
10 set that you have, can we use those?

11 MS. SCHMELTZER: Sure.

12 MR. HONIG: Could you place before the witness NAACP  
13 Exhibit 25?

14 (Pause.)

15 MS. SCHMELTZER: I don't think 25 has been marked  
16 for identification.

17 JUDGE STEINBERG: Oh, it's -- they've all been  
18 marked.

19 MS. SCHMELTZER: Oh, it's been marked for -- okay.  
20 But this is not, this has been not been received.

21 MR. HONIG: That's right.

22 JUDGE STEINBERG: Right.

23 MS. SCHMELTZER: By the way, I can't read the date  
24 on this exhibit, Mr. Honig.

25 MR. HONIG: November 18, 1983. That was received

1 Mass Media Bureau public records. Now --

2 MS. SCHMELTZER: Can the witness look at the -- do  
3 you want to direct the witness to a particular page or the  
4 whole thing or what?

5 MR. HONIG: No, let him familiarize himself with it  
6 for just a second.

7 WITNESS: All right.

8 MR. HONIG: Are you familiar with this document?

9 MS. SCHMELTZER: What you have here is a signature  
10 page from an application that does not reflect what  
11 application it's from.

12 MR. HONIG: That's right. That's the way we  
13 received it, and that's the only page from that application  
14 that we were given.

15 MS. SCHMELTZER: Well, did you --

16 MR. HONIG: So I'm assuming that in the --

17 MS. SCHMELTZER: -- check Commission records, Mr.  
18 Honig, to find out --

19 MR. HONIG: Well, in the station's files --

20 JUDGE STEINBERG: Well, it's an FCC Form 301, the  
21 last page of it. And we have the, the public received Mass  
22 Media Bureau date. I -- and it's an EEO program. And it's  
23 been identified on the, in the index as a Form -- an excerpt,  
24 an excerpt of a Form 301. I think that's enough. And I --  
25 don't we have the pages 2, 3, 4, 5? Don't we have that in the

1 record someplace else too --

2 MR. HONIG: Well, this --

3 JUDGE STEINBERG: -- so we can, we can --

4 MR. HONIG: We've got the '82 EEO program and the  
5 '89. This one was done in '83. I'm not sure why and I want  
6 to --

7 JUDGE STEINBERG: Well, the '82 one I think was  
8 dated '83.

9 MR. HONIG: This is November --

10 JUDGE STEINBERG: Well --

11 MR. HONIG: '83.

12 JUDGE STEINBERG: Anyway, okay. He's, he's got the  
13 document in front of him and, and you're reviewing it?

14 (Pause.)

15 MR. HONIG: Tell me when you're ready.

16 WITNESS: Go.

17 MR. HONIG: Did you prepare this EEO program?

18 WITNESS: Not that I recall, no.

19 MR. HONIG: Do you know -- now this was about a year  
20 into the license term. Do you know why this was prepared?

21 JUDGE STEINBERG: Let me just note for the record  
22 that pages 2 and 3 appear, of NAACP 25 appear to be the same  
23 as pages 3 and 4 of Church Exhibit 8, attachment 5.

24 MR. HONIG: I think they're different.

25 JUDGE STEINBERG: I did a quick perusal of them, and

1 the dates seem to be the same on beginning May 1, '83 and  
2 ending May 15th, '83? The percentages in the work force  
3 appear to be the same.

4 MR. HONIG: Church exhibit -- where is this, Your  
5 Honor?

6 JUDGE STEINBERG: Marcia Cranberg's Exhibit A, tab  
7 5, attachment 5, pages 3 and 4. They refer to Reverend  
8 Abatie.

9 MR. GOTTFRIED: That's the one that Ms. Cranberg --

10 JUDGE STEINBERG: Right.

11 MR. GOTTFRIED: -- according to the station was  
12 their latest one on --

13 JUDGE STEINBERG: Right. That's the one that I  
14 asked questions about yesterday.

15 MR. GOTTFRIED: Right. And in fact, the '82 one in  
16 the Mass Media Bureau, Your Honor, I have noticed it before.  
17 But that one was Denise Anderson as general manager --

18 JUDGE STEINBERG: Well --

19 MR. GOTTFRIED: -- party. So there's much -- in  
20 between '82 and '89.

21 JUDGE STEINBERG: Okay. So basically the question  
22 was -- okay. This witness didn't prepare it. Wasn't the  
23 question do you know why it, do you know why it was prepared?  
24 Is that what's pending?

25 MR. HONIG: Yeah.



1 JUDGE STEINBERG: Before I rudely interrupted?  
2 MR. HONIG: I'm sorry.  
3 JUDGE STEINBERG: No, I rudely interrupted you.  
4 MR. HONIG: Oh.  
5 MS. SCHMELTZER: I'm sorry.  
6 MR. HONIG: Okay.  
7 MS. SCHMELTZER: I hope I didn't mislead the --  
8 JUDGE STEINBERG: No, no, no. I just -- because I  
9 knew I'd seen this before.  
10 MR. HONIG: This is pages in, in Ms. Cranberg's tab  
11 5?  
12 JUDGE STEINBERG: Yeah, attachment 5, pages 3 and 4  
13 appear to be the same as your 2 and 3. I didn't compare the  
14 charts. Well, I, I just -- yeah, the whole thing appears to  
15 be the same.  
16 (Asides.)  
17 MR. GOTTFRIED: No, it --  
18 MS. SCHMELTZER: The chart --  
19 MR. GOTTFRIED: -- the chart --  
20 MS. SCHMELTZER: -- reflects an update from May '82  
21 to May '83. In Church Exhibit 8, attachment 5, the chart 395  
22 that's attached is, is updated to May '83. And under current  
23 employment survey it references that.  
24 JUDGE STEINBERG: Well, anyway, it looks, looks like  
25 it's the same as what's in Ms. Cranberg's. The dates are the